

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE: §
§
N.I.A. NATIONAL INSURANCE § CASE NO. 11-41529-r
AGENCY, INC., §
§
DEBTOR. § CHAPTER 11

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE: §
§
LARRY GENE MCCLENDON § CASE NO. 11-41527
§
§
DEBTOR. § CHAPTER 11

**CREDITORS WARREN ROCHE AND KILGORE & KILGORE, PLLC'S
AMENDED EXHIBIT AND WITNESS LIST**

TO THE HONORABLE UNITED STATES BANKRUPTCY COURT:

Comes now Warren Roche, Creditor in the above styled and numbered bankruptcy case, and files this his Witness and Exhibit List for his claim set for hearing on May 14, 2012 and would respectfully show the Court as follows:

WITNESSES:

* Warren Roche
c/o John H. Crouch, IV
Kilgore & Kilgore, PLLC
3109 Carlisle
Dallas, Texas 75204
214-969-9099

Plaintiff.

* Larry G. McClendon
1270 Timber Ridge Trail
Aubrey, Texas 76227

Principal owner of corporate defendants. He is believed to have general knowledge of the facts and allegations in the lawsuit.

* Roth Robertson
3713 Lighthouse Hill Lane
Fort Worth, Texas 96179
817-925-2419

Former President/Agency Director of NIA. Has knowledge of misrepresentations by Defendants in support of their schemes to avoid payment, and as to McClendon's behavior in the office. He also has knowledge of Plaintiff's performance as an agent. He is believed to have knowledge of Defendants' financial condition.

* Michael Wiley
Defendants' In-House Accountant

Knowledge of Plaintiff's complaints regarding unpaid amounts owed for renewal commissions. Plaintiff believes he has knowledge of misrepresentations by Defendants in support of their schemes to avoid payment, and as to McClendon's behavior in the office. He also has knowledge of Plaintiff's performance as an agent. He is believed to have knowledge of Defendants' financial condition.

* Jason Richman
12500 Falabella Way
Keller, Texas 76244
817-449-8847
jasonrichman@sbcglobal.net

Former In-House Sales Manager. Has knowledge of misrepresentations by Defendants in support of their schemes to avoid payment, and as to McClendon's behavior in the office. He also has knowledge of Plaintiff's performance as an agent. He is believed to have knowledge of NIA's limited cash position. His knowledge is summarized in his statement dated March 25, 2011.

* Marijane Tropoloc
1604 South Nursery Rd.
Irving, TX 75060

(972) 554-8402

Former NIA Office Manager. She has knowledge of misrepresentations by Defendants in support of their schemes to avoid payment, and as to McClendon's behavior in the office. She also has knowledge of McClendon's personal life. Her knowledge is summarized in a declaration filed with the court.

* Jason Ditson
NIA Employee

Replaced Roth Robertson. He is believed to have knowledge of McClendon's personal life, including what is believed to be a personal relationship with McClendon.

* Mike Lentini
3500 Villanova Dr.
Corinth, TX 76210
(469) 258-0346

Lentini is a former NIA agent who, on information and belief, was also terminated under pretext when his commissions cleared, and he was due ongoing payments from NIA.

* Ben MacManus
18749 Marsh Lane, Apt. 715
Dallas, TX 78287
214-605-5215
benmacmanus@gmail.com

Former employee of Defendants with knowledge of Defendant's business practices and reputation. May have knowledge of practices with regard to paying agents, and financial condition of Defendants.

* Randall Ware
2906 West Royal Lane, Apt. 2029
Irving, TX 75063
(469) 441-8387

Former Agent Services Representative with knowledge of McClendon's business practices and personal life.

* Tarys Tropoloc

Former employee of NIA with knowledge of McClendon's business practices behavior, including hacking into employees' private e-mail addresses to snoop through their personal

correspondence.

* John H. Crouch, IV
3109 Carlisle St., Suite 200
Dallas, TX 75204

Creditor's attorney, with knowledge of contingent fee agreement.

Kilgore & Kilgore, PLLC reserve the right to call any person disclosed by Debtor.

EXHIBITS

Exhibit No.	Description	Offered	Admitted
PX 1	Proof of Claim		
PX 2	1/11/11 Demand Letter to Marsha Halpern		
PX 3	NIA Contracting/Appointment Checklists (includes Agent Status and Commission Advice Form; Company Appointment Forms; NIA General Agent's Agreement; Agent Commission Schedule; Lead Agreement; W-9; Advance Guidelines; Advance Agent's Email Request Form; Copy of Current License		
PX 4	11/16/10 Email String Roche/McClendon re: Renewal Commissions not paid for 7/31/2010 and 8/31/2010 statements; and 11/17/10 Email String Wiley/Roche/McClendon/Stephens re: Renewal Commissions Not Paid for 7/31/10 and 8/31/10 Statements		
PX 5	NIA Renewal Agent Statement for the period of 8/31/2010		
PX 6	NIA Renewal Agent Statement for the period of 7/31/2010		
PX 7	10/8-10/21/10 Email String Roche/McClendon/Stephens re: Statement Discrepancy		
PX 8	NIA - New Business Agent Statement for period of 10/7/10 and 10/8/10 for Roche		

PX 9	NIA - New Business Agent Statement for period of 11/8/10 and 11/9/10 for Roche		
PX 10	Photos of McClendon at Maroma Beach - 3/10		
PX 11	Email of 12/28/10 from McClendon to Roche re: Termination of Roth Robertson		
PX 12	Photo of Most Recruits and Down Line Production Trophe for 2009		
PX 13	Declaration of Warren Roche		
PX 14	Declaration of Roth Robertson-		
PX 15	Declaration of Marijane Tropoloc		
PX 16	Affidavit of Jason Richman		
PX 17	Affidavit of Randall Ware		
PX 18	December 10, 2010 Contingency Fee Agreement with Kilgore & Kilgore, PLLC (Exh. F to Roche Declaration)		
PX 19	Defendants' Responses to Plaintiff's First Request for Admissions, Interrogatories, and Request for Production of Documents dated March 15, 2011		
PX 20	Correspondence from John H Crouch to Roche's trustee advising we were filing proof of claim dated 9/15/11		
PX 21	Discharge order for Roche bankruptcy proceedings dated 9/21/11		

Dated: June 19, 2012.

Respectfully submitted,

KILGORE & KILGORE, PLLC

By: /s/ John H. Crouch, IV

JOHN H. CROUCH, IV
State Bar No. 00783906

3109 Carlisle, Suite 200
Dallas, TX 75204
(214) 969-9099 - Telephone
(214) 953-0133 - Fax

ATTORNEYS FOR
WARREN ROCHE

CERTIFICATE OF SERVICE

I certify that on this 19th day of June, 2012, a true and correct copy of the above and foregoing document was served via the CM/ECF system.

Timothy O'Neal
Office of the U.S. Trustee
110 North College Avenue, Suite 300
Tyler, Texas 75702

Joyce W. Lindauer
8140 Walnut Hill Lane, Suite 301
Dallas, Texas 75231

/s/ John H. Crouch, IV
John H. Crouch, IV